

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

MAJOR BOYD WHITLEY,

Plaintiff,

vs.

SHERIFF VAN SHAW, CAPTAIN M. NESBITT,)
LIEUTENANT W. WALLACE,)

Defendants.

Case No.: 1:19cv-358

AFFIDAVIT OF
W. JOEL WALLACE

The undersigned, being first duly sworn, deposes and says:

1. My name is W. Joel Wallace. I am the third named defendant in this case.
2. I am a Lieutenant with the Cabarrus County Sheriff's Office. I have worked for the Sheriff for over 17 years.
3. All of my time with the Sheriff's Office has been spent in the Cabarrus County Detention Center (Jail). As Lieutenant I am over the housing part of the Jail, which means that I am responsible for dealing with the inmates' needs and wants, including their grievances.
4. I have dealt with the plaintiff on many occasions concerning his many complaints about the Jail. He files a grievance each week about some aspect of his life in the Jail, whether it be concerning his religion, the food, the food service, the medical staff, his cell and cellmates.
5. In the exhibits attached to the complaint, my name shows up in the "workflow interaction" pages, which detail the interactions of Jail staff with the plaintiff.
6. The plaintiff has been in and out of our Jail on several occasions and is presently awaiting trial in Cabarrus County Superior Court on possession of a firearm by a

felon, robbery with a dangerous weapon, assault and battery and breaking and entering, among other charges.

7. The plaintiff claims to be a Hebrew Israelite, which as I understand it is a movement that started in the 19th century among African Americans in the United States who believe they are the true descendants of the biblical Hebrew Israelites.
8. As such, the Hebrew Israelites study the Old Testament and I understand that some sects also believe in Jesus Christ and the New Testament.
9. One of the plaintiff's complaints in this case is that the Gideons were allowed to come in to the Jail pods to preach and that he was subjected to that. The Gideons were in the Jail one time per week on Sunday nights for one hour, and had to divide that hour among 20 different pods. The inmates were in their cells during this period and if they did not want to hear the Gideons their food tray door was closed by Jail staff, which would prevent an inmate from hearing what the Gideons were saying. At one time, the plaintiff told staff that this worked for him. At no time did the Gideons or anyone from the Jail staff attempt to force the plaintiff to modify his behavior, to violate his beliefs or to choose between forfeiting governmental benefits and abandoning a religious precept.
10. The Gideons did hand out Bibles to inmates who asked for them. These were supplied by the Gideons, not the Jail. A mosque provided copies of the Koran to the Jail, which were handed out to inmates who requested a copy. The Jail does not provide copies of any religious documents on its own. The plaintiff requested a copy of the Book of Yahweh, but the Jail has never had one. The plaintiff was told that if someone brought him a copy, he could have it.
11. In May, 2019, the procedure with the Gideons was changed to where they would not come to the pods in the day rooms, but would schedule inmates who wanted to, for Bible study classes once per week.
12. The plaintiff has also complained about not receiving a kosher meal. The food service used by the Jail provides a vegan meal for inmates who request it. That meal satisfies the requirements for a kosher meal, in that it contains none of the foods that would not be part of the kosher diet.
13. Jail staff, including me, have tried to work with the plaintiff on the religious issues he brings up. At no time have any of us tried to influence the plaintiff concerning religion.

14. I have read the answer filed in my behalf and the other defendants. I incorporate in to this affidavit the responses to the allegations to the complaint and the other defenses contained in that answer.

This 2nd day of December, 2019.

W. Joel Wallace
W. JOEL WALLACE

COUNTY OF CABARRUS
STATE OF NORTH CAROLINA

I, a Notary Public for the above referenced county and state, do hereby state that W. Joel Wallace appeared before me and after being duly sworn, signed the above affidavit.

This 2nd day of December, 2019.

Spencer Farwell
Notary Public



My commission expires:

9.11.2023

(SEAL)

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FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:19CV358

MAJOR BOYD WHITLEY,

Plaintiff,

vs.

SHERIFF VAN SHAW, CAPTAIN M. NESBITT,
LIEUTENANT W. WALLACE,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019 pursuant to Fed. R.Civ. P. 5(b) and LCvR 5.3, I electronically filed the foregoing AFFIDAVIT OF W. JOEL WALLACE with the Clerk of Court utilizing the CM/ECF system of the United States District Court for the Middle District of North Carolina that will send electronic notification of such filing to all registered users. I also certify that a paper copy has been mailed to the plaintiff on this date at the following address:

Major Boyd Whitley
#0497376
Cabarrus County Detention Center
P.O. Box 790
Concord, NC 28026

This the 4th day of December, 2019.

/s/ Richard M. Koch
RICHARD M. KOCH
Cabarrus County Attorney
Attorney for the defendants
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Charlotte, North Carolina 28269
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